

TITLE 4. CALIFORNIA STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter "commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 400 R Street Suite 1030, Department of Consumer Affairs Hearing Room, Sacramento, California, at 9:00 a.m., on May 24, 2001. Written comments must be received by the commission at its office at 1424 Howe Avenue, Suite 33, Sacramento, California, 95825 not later than 5:00 p.m. on May 22, 2001 or must be received by the commission at the hearing. Written comments may also be faxed to this phone number (916) 263-2197 or e-mailed to this e-mail address Leydis_Church@dca.ca.gov The commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 18611 of the Business and Professions Code, and to implement, interpret or make specific Section 18881 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, regulations as may be necessary to carry out the laws relating to boxing and martial arts.

1. Amend Section 401 (k)

The existing regulation describes a "participating boxer" as a professional boxer who participates in a contest after July 1, 1981, and who has not incurred a break in service.

The proposed amendment would allow a professional boxer who has a break in service in the subsequent year and thereafter to be a "participating boxer."

2. Amend Section 403 (c) (2)

The existing regulation specifies that one half (1/2) of the forfeitures shall be allocated to "participating boxers" who have not incurred a break in service as of

the last day of the plan year.

The proposed amendment eliminates the break in service requirement for a covered/participating boxer and adds the requirement that a "participating boxer" must have fought in the current plan year.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: **None**

Nondiscretionary Costs/Savings to Local Agencies: **None**

Local Mandate: **None**

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: **None**

Business Impact:

The commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination.

This proposed regulation effects the allocation of pension contributions already received from the commission's licensed promoters. It is not a new cost nor will it be a new cost to the promoters. Promoters are licensed on an annual basis and the commission on average licenses between 25-30 promoters per year.

The commission currently receives revenues from promoters who are considered businesses as they are incorporated or a sole proprietorship. The money received by the commission is a per ticket assessment of 88 cents (\$.88) upon a promoter, which includes complimentary tickets. The revenues collected from this assessment are placed into the Professional Boxers Pension Plan pursuant to Business and Professions (B&P) Code Sections 18880 and 18881. In the 2000 calendar year there were 29 professional and amateur promoters and 130 shows. The amount of revenues collected in the pension fund was \$101,262. The average cost to each promoter for each show was \$3,491 for their share of the pension fund contribution.

There are no costs imposed upon the boxers as they do not contribute money to the plan but benefit from the plan upon retirement via retirement benefits.

Impact on Jobs/New Businesses:

The commission has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The commission estimates the cost impact of the proposed regulations on representative private persons or businesses to be \$0 annually as these particular regulations will not impose additional costs above the current average dollar cost of \$3,491 annually.

Effect on Housing Costs:

The commission has made an initial determination that the proposed regulatory action will not affect housing costs.

SMALL BUSINESS DETERMINATION

The commission has determined that the proposed regulations may affect small businesses.

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

STATEMENT OF REASONS AND INFORMATION

The Athletic Commission has prepared an initial statement of the reasons for the

proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California State Athletic Commission at 1424 Howe Avenue Suite 33, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Leydis Church at the above address.

The backup contact person is Robert Lynch at (916) 263-2195. The person designated to respond to questions on the substance of the regulatory proposal is Leydis Church at (916) 263-2195.

Website Access: Materials regarding this proposal can be found at www.dca.ca.gov/csac.